Civil Writ Petition No.2070/05
Lekhraj Bansal Vs. State & Ors.

Date of Order ::: 05/12/05

Hon'ble Mr. Justice Ajay Rastogi

Mr. Vinod Sharma, for petitioner,
Mr. J.K.Agrawal, Addl.Govt.Advocate for State

Instant petition has been filed questioning order dt.05/12/03, whereby the Tribunal dismissed petitioner's appeal only on the ground that in the absence of order impugned, the appeal is not maintainable. This Court in Smt. Anita Devi Kansara Vs. State & Ors (2004(2) RLR 654) that the Tribunal committed illegality in holding appeals not maintainable without impugned written orders and the Tribunal cannot refuse to exercise its power on the pretext of procedural technicalities.

Consequently, writ petition is allowed. The impugned order dt.05/12/03 dismissing petitioner's appeal is set aside; and the petitioner's appeal is remanded back to the Tribunal to decide it afresh on merits in accordance with law after hearing both the parties. The parties are directed to appear before the Tribunal on 09/01/06. No order as to costs.

(Ajay Rastogi), J.

K.Khatri/2070cwp2005.